

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE (REV. 2-2005)		ATTORNEY'S DOCKET NUMBER 278432US0PCT
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/550528
INTERNATIONAL APPLICATION NO. PCT/JP04/04217	INTERNATIONAL FILING DATE 25 MARCH 2004	PRIORITY DATE CLAIMED 25 MARCH 2003
TITLE OF INVENTION BARLEY LIPOXYGENASE 1 GENE, METHOD OF SELECTING BARLEY VARIETY, MATERIAL OF MALT ALCOHOLIC DRINKS AND PROCESS FOR PRODUCING MALT ALCOHOLIC DRINK		
APPLICANT(S) FOR DO/EO/US Naohiko HIROTA, et al.		MAIL STOP PCT
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)). 11. <input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409). 12. <input checked="" type="checkbox"/> A copy of the International Search Report (PCT/ISA/210). 		
Items 13 to 23 below concern document(s) or information included:		
<ol style="list-style-type: none"> 13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 15. <input type="checkbox"/> A FIRST preliminary amendment. 16. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 17. <input type="checkbox"/> A substitute specification. 18. <input type="checkbox"/> A power of attorney and/or change of address letter. 19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 20. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4). 22. <input type="checkbox"/> Express Mail Label No. 23. <input checked="" type="checkbox"/> Other items or information: 		
Application Data Sheet Notice of Priority PCT/IB/304 Drawings (15 Sheets)		Request for Consideration of Documents Cited in International Search Report Sequence Listing (5 Sheets)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5) 10/550528		INTERNATIONAL APPLICATION NO. PCT/JP04/04217		ATTORNEY'S DOCKET NUMBER 278432US0PCT																															
CALCULATIONS PTO USE																																			
<p>The following fees are submitted:</p> <table> <tr> <td>24. <input checked="" type="checkbox"/> Basic national fee</td> <td>\$300</td> <td>\$</td> <td>\$300.00</td> <td></td> </tr> <tr> <td>25. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).</td> <td>\$100</td> <td>\$</td> <td>\$200.00</td> <td></td> </tr> <tr> <td>All other situations.</td> <td>\$200</td> <td></td> <td></td> <td></td> </tr> <tr> <td>26. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority</td> <td>\$100</td> <td></td> <td></td> <td></td> </tr> <tr> <td>International Search Report prepared and provided to the Office</td> <td>\$400</td> <td></td> <td></td> <td></td> </tr> <tr> <td>All other situations.</td> <td>\$500</td> <td>\$</td> <td>\$400.00</td> <td></td> </tr> </table>						24. <input checked="" type="checkbox"/> Basic national fee	\$300	\$	\$300.00		25. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).	\$100	\$	\$200.00		All other situations.	\$200				26. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority	\$100				International Search Report prepared and provided to the Office	\$400				All other situations.	\$500	\$	\$400.00	
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All other situations.	\$500	\$	\$400.00																																
TOTAL OF 24, 25 and 26 = \$ \$900.00																																			
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.																																			
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)		RATE																															
- 100 =	0	/50 =	0	x \$250.00	\$ \$0.00																														
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)). \$ \$130.00																																			
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE																																
Total claims	16	- 20 = 0	x \$50.00	\$	\$0.00																														
Independent claims	6	- 3 = 3	x \$200.00	\$	\$600.00																														
MULTIPLE DEPENDENT CLAIMS (if applicable) <input checked="" type="checkbox"/>			+ \$360.00	\$	\$360.00																														
TOTAL OF ABOVE CALCULATIONS = \$ \$1,990.00																																			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.																																			
SUBTOTAL = \$ \$1,990.00																																			
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). \$ \$0.00																																			
TOTAL NATIONAL FEE = \$ \$1,990.00																																			
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property + \$ \$0.00																																			
TOTAL FEES ENCLOSED = \$ \$1,990.00																																			
<table> <tr> <td><input type="checkbox"/></td> <td>Amount to be</td> <td>\$</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Amount to be</td> <td>\$</td> </tr> </table>						<input type="checkbox"/>	Amount to be	\$	<input type="checkbox"/>	Amount to be	\$																								
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a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.																																			
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.																																			
c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>15-0030</u> . A duplicate copy of this sheet is enclosed.																																			
d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.																																			
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.																																			
SEND ALL CORRESPONDENCE TO: <u>Surinder Sachar</u>																																			
Customer Number: 22850																																			
SIGNATURE <u>Surinder Sachar</u>																																			
NAME <u>Norman F. Oblon</u>																																			
NAME <u>24,618</u>																																			
REGISTRATION NUMBER <u></u>																																			

DOCKET NO.: 278432US0PCT

JC20 Rec'd PCT/PTO 22 SEP 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Naohiko HIROTA, et al.

SERIAL NO.: NEW U.S. PCT APPLICATION

FILED: HEREWITH

INTERNATIONAL APPLICATION NO.: PCT/JP04/04217

INTERNATIONAL FILING DATE: March 25, 2004

FOR: BARLEY LIPOXYGENASE 1 GENE, METHOD OF SELECTING BARLEY VARIETY,
MATERIAL OF MALT ALCOHOLIC DRINKS AND PROCESS FOR PRODUCING MALT
ALCOHOLIC DRINK**REQUEST FOR CONSIDERATION OF DOCUMENTS
CITED IN INTERNATIONAL SEARCH REPORT**

Commissioner for Patents

Alexandria, Virginia 22313

Sir:

In the matter of the above-identified application for patent, notice is hereby given that applicant(s) request that the Examiner consider the documents cited in the International Search Report according to MPEP §609 and so indicate by a statement in the first Office Action that the information has been considered. When the Form PCT/DO/EO/903 indicates both the search report and copies of the documents are present in the national stage file, there is no requirement for the applicant(s) to submit them (1156 O.G. 91 November 23, 1993).

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon
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Registration No. 24,618
Surinder Sachar
Registration No. 34,423

Customer Number

22850

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